

APRIL 6, 2009
MINUTES OF THE REGULAR COUNCIL MEETING
PARMA COUNCIL CHAMBERS
7:07 PM

The Regular Council Meeting was called to order by President of Council Charles M. Germana, presiding.

COUNCIL MEMBERS PRESENT: MARY GALINAS
 LARRY NAPOLI
 KENNETH A. RAMSER
 TOM REGAS
 SCOTT TUMA
 SEAN BRENNAN
 NICHOLAS CELEBREZZE
 BRIAN DAY

COUNCIL MEMBER EXCUSED: ROY J. JECH

Mr. Mastroianni - Mr. Chairman, the Roll of Council has been called, and I find a quorum of Council Members present.

The following officials and department heads were also present: Mayor Dean DePiero, Law Director Timothy Dobeck, Auditor Dennis M. Kish, Treasurer Anthony Zielinski, Service Director Brian Higgins, Safety Director Gregory Baeppler, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jack Marschall, Recreation Commissioner Mickey Vittardi, Purchasing and Personnel Director Elayne Siegfried, Mayor's Chief of Staff Meghann McCall, and Clerk of Council Tom Mastroianni.

LEGISLATIVE COMMENT

Council President Germana asked if there were any questions or comments regarding the pieces of legislation Council would be taking final action on tonight.

DJ Kampe PhD 4611 Sarasota Dr – Voiced his displeasure with Resolution 77-09.

INVOCATION

The Invocation was given by Clerk of Council Tom Mastroianni.

PLEDGE ALLEGIANCE TO THE AMERICAN FLAG

DISPOSAL OF THE JOURNAL

Mr. Germana – Stated that we have the Minutes of the Special Council Meeting of March 23, 2009. Are there any additions or corrections to these Minutes? Hearing none, the Minutes shall stand approved as printed.

RESOLUTIONS

Resolution No. 86-09 4/6/09 L-86-09

By: B. Day, R.J. Jech and the rest of Council
A RESOLUTION HONORING ST. COLUMBKILLE LADY KNIGHTS BASKETBALL TEAM ON
WINNING THE CYO HIGH SCHOOL GIRLS STATE CHAMPIONSHIP 2009

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Resolution No. 86-09.
Motion carried.

Councilman Day presented the Resolution to the team and coaches. Mayor DePiero presented a Proclamation. Law Director Dobeck gave the team certificates.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Motion made by Councilman Celebrezze, seconded by Councilwoman Galinas to consider the extension of the variances granted to Mr. Brian M. Uhlenbrock of Neff and Associates for Don Sposit, for the variances granted by Council on August 4, 2008, for the new mini-storage units to be built at 7181 West 130th Street. A motion was made and affirmed to extend this variance for the second time. This extension will expire on August 4, 2009. Motion carried.

Motion made by Councilman Day, seconded by Councilwoman Galinas to allow the City of Parma to intervene as an Amicus in the case entitled City of Cleveland vs. State of Ohio, Appellate Case No. CV-09-092663, in the Court of Appeals. (Law Director Dobeck explained the reasoning for this). The motion was carried unanimously.

Motion made by Councilman Celebrezze, seconded by Councilwoman Galinas to grant the variance for the applicant Brian Uhlenbrock of Neff & Associates for the property located at 1842 Snow Road in Midtown Shopping Center. Permanent Parcel No. is 445-26-002. It was an area variance of Section 1170.08(a) – Commercial Office Districts – Schedule of Yard and Height Regulations. A 100 foot front setback from the street ROW is required in a shopping center district per the zoning map. The proposal is to build a Sonic drive-in restaurant. This variance would result in 37.8 foot less front setback in shopping center district. Motion carried.

Email sent to Councilman Brennan acknowledging the Resolution for the “Food 4 Fines” program by Madeline Brookshire, Marketing Director of the Cuyahoga County Public Library.

FIRST READING:

Ordinance No. 83-09 4/6/09 L-83-09

By: S. Brennan
(By Request – Mayor)

AN ORDINANCE TO CONVEY CITY-OWNED LAND, PERMANENT PARCEL NUMBER 443-05-056, LOCATED AT 7510 SNOW ROAD AND KNOWN AS THE FORMER FIRE STATION NO. 1, TO THE PARMA COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Planning Committee.

Ordinance No. 87-09 4/6/09 L-87-09

By: S.M. Tuma, S. Brennan

AN ORDINANCE TO REPEAL SECTION 121.12 “SUBMISSION OF ANNUAL BUDGET” OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Governmental Operations and Finance Committees.

Ordinance No. 88-09 4/6/09 L-88-09

By: M. Galinas
(By Request – City Engineer)

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF BROOK PARK, CITY OF CLEVELAND, AND THE CITY OF PARMA FOR THE RESURFACING OF BROOKPARK ROAD JUST WEST OF

ROCKY RIVER DRIVE TO THE EASTERN CORPORATION LINE AT WEST 130TH STREET IN THE CITIES OF BROOK PARK, CLEVELAND, AND PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Public Service and Finance Committees.

	Ordinance No. 92-09	4/6/09	L-92-09
By: M. Galinas			
(By Request – Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT BY AND BETWEEN GORDON C. REICHWEIN AND THE CITY OF PARMA FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBERS 442-15-138 AND 442-15-139, LOCATED ON MANHATTAN AVENUE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

	Ordinance No. 93-09	4/6/09	L-93-09
By: M. Galinas			
(By Request – Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT BY AND BETWEEN WAYNE AND BETH COX, HUSBAND AND WIFE, AND THE CITY OF PARMA FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 422-15-137, LOCATED ON MANHATTAN AVENUE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

	Ordinance No. 94-09	4/6/09	L-94-09
By: M. Galinas			
(By Request – Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT BY AND BETWEEN WELCOME HOME BUILDERS DBA GERALD K. REICHWEIN, F. KEVIN CODY, AND GORDON C. REICHWEIN AND THE CITY OF PARMA FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 442-15-156, LOCATED ON MANHATTAN AVENUE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

	Ordinance No. 95-09	4/6/09	L-95-09
By: M. Galinas			
(By Request – Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT BY AND BETWEEN GORDON C. REICHWEIN, GERALD K. REICHWEIN, AND F. KEVIN CODY AND THE CITY OF PARMA FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBER 442-15-157, LOCATED ON MANHATTAN AVENUE IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Finance Committee.

By: S. Brennan

AN ORDINANCE TO AMEND SUBSECTION (a) OF SECTION 121.01 "COMPOSITION OF OFFICE"
OF THE CODIFIED ORDINANCES OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance shall be referred to the Governmental Operations Committee.

SECOND READING:

Resolution No. 71-09
(Spec. Mtg.)

3/23/09

L-71-09

By: S.M. Tuma
(By Request – Service Director)

A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ISSUE
A PERMIT TO TRANSPORT INTO THE TERRITORIAL LIMITS OF THE CITY OF PARMA,
FIREWORKS AND FIREWORK SUNDRIES FOR A PYROTECHNIC DISPLAY, AND DECLARING AN
EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to refer Resolution No. 71-09 back to
the Finance Committee. Motion carried.

Ordinance No. 72-09
(Spec. Mtg.)

3/23/09

L-72-09

By: S. M. Tuma
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE 2009 PAVEMENT MAINTENANCE
PROGRAM AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to refer Ordinance No. 72-09 back to
the Finance Committee. Motion carried.

Ordinance No. 73-09
(Spec. Mtg.)

3/23/09

L-73-09

By: S.M. Tuma
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A
CONTRACT WITH THE LOWEST AD BEST BIDDER FOR THE PURCHASE OF LIMESTONE, AND
DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to refer Ordinance No. 73-09 back to
the Finance Committee. Motion carried.

Ordinance No. 74-09
(Spec. Mtg.)

3/23/09

L-74-09

By: S.M. Tuma
(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A
CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF TACK COAT AND
PRIME COAT, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to refer Ordinance No. 74-09 back to the Finance Committee. Motion carried.

	Ordinance No. 75-09	3/23/09	L-75-09
	(Spec. Mtg.)		
By: S.M. Tuma			
(By Request – Service Director)			

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF ASPHALT CONCRETE AND ASPHALT PLANING AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilwoman Galinas to refer Ordinance No. 75-09 back to the Finance Committee. Motion carried.

	Ordinance No. 76-09	3/23/09	L-76-09
	(Spec. Mtg.)		
By: S.M. Tuma			
(By Request – Service Director)			

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF CONCRETE, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to refer Ordinance No. 76-09 back to the Finance Committee. Motion carried.

SECOND READING SUSPENSION:

	Ordinance No. 64-09	3/23/09	L-64-09
		(Spec. Mtg.)	
By: M. Galinas, L. Napoli, K. Ramser, T. Regas, S. Tuma, S. Brennan, N. Celebrezze, B. Day			
(By Request – Mayor)			

AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH PHYSIO-CONTROL, INC. FOR THE PURCHASE OF TEN (10) LIFEPAK 1000 AED'S AND TEN (10) WALL CABINETS WITH ALARMS AND BRACKETS TO BE PLACED IN VARIOUS CITY FACILITIES, AND DECLARING AN EMERGENCY

Mr. Germana - Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 64-09 on three different days be dispensed with?

Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Motion carried.

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 64-09.

Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Ordinance No. 64-09 is adopted.

*Councilwoman Galinas commented on the need for these units throughout the City.

THIRD READING:

Resolution No. 366-07 11/19/07 L-355-07
(Substitute)

By: M. Galinas, S. Brennan, L. Napoli, K. Ramser, T. Regas, S. Tuma, N. Celebrezze, B. Day

A RESOLUTION ENCOURAGING ALL SCHOOLS, CHURCHES, OFFICES, AND OTHER PLACES WHERE LARGE NUMBERS OF PEOPLE CONGREGATE WITHIN THE CITY OF PARMA TO SEEK TO INSTALL AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs) AND IMPLEMENT AN AED PROGRAM TO SAVE LIVES AND DECLARING AN EMERGENCY

Motion made by Councilwoman Galinas, seconded by Councilman to amend substitute Resolution No. 366-07 by accepting the Revised Substitute Resolution and Exhibit "A". Further moved to waive Rule 51 and place revised Substitute Resolution No. 366-07 and Exhibit "A" on Third Reading for passage.

Motion carried.

Motion made by Councilman Day, seconded by Councilman Day to adopt revised substitute Resolution No. 366-07.

Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; revised substitute Resolution No. 366-07 is adopted.

Ordinance No. 46-09 2/17/09 L-46-09
(As Amended)

By: S. Tuma
(By Request – Law Director)

AN ORDINANCE TO ENTER INTO A SETTLEMENT AGREEMENT BETWEEN THE CITY OF PARMA AND THE PLAINTIFFS IN THE CASE KNOWN AS MICHAEL RAGAN, ET AL V. CITY OF PARMA, ET AL., AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day to hold Ordinance No. 46-09 on Third Reading. Motion carried.

SUSPENSION OF THE RULES:

Mr. Germana - Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 77-09, Resolution No. 84-09, Ordinance No. 89-09, Ordinance No. 90-09, and Resolution No. 91-09 on three different days be dispensed with?

Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Motion carried

Mr. Germana - Shall Rule 44 requiring reference to committee be dispensed with and Resolution No. 77-09, Resolution No. 84-09, Ordinance No. 89-09, Ordinance No. 90-09, and Resolution No. 91-09 be placed on final passage?

Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.

No: None; Motion carried

Resolution No. 77-09 4/6/09 L-77-09

By: R. Jech

A RESOLUTION IN SUPPORT OF THE ADMINISTRATION OF THE PRESIDENT OF THE UNITED STATES IN THEIR RECOVERY EFFORTS OF GOVERNMENT BAILOUT FUNDS GIVEN AS BONUSES TO THE EXECUTIVES AT AMERICAN INTERNATIONAL GROUP, INC., AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to refer Resolution No. 77-09 to the Governmental Operations Committee. Motion carried.

Resolution No. 84-09 4/6/09 L-84-09
By: K. A. Ramser, M. Galinas, L. Napoli, T. Regas, S. Tuma, N. Celebrezze, B. Day

A RESOLUTION IN SUPPORT OF U.S. CONGRESS REPRESENTATIVE BETTY SUTTON'S
EFFORTS TO BATTLE THE STEEP DECLINE IN AUTO SALES, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Resolution No. 84-09.
Councilman Brennan asked for an explanation of resolution.
Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.
No: None; Motion carried. Resolution No. 84-09 is adopted.

Ordinance No. 89-09 4/6/09 L-89-09
By: M. Galinas, S. Brennan
(By Request – Building Commissioner)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A
CONTRACT WITH HORIZON LAWN MANAGEMENT, INC., FOR GRASS CUTTING AND YARD
CLEAN-UP SERVICES FOR THE PROPERTY MAINTENANCE DIVISION OF THE CITY OF PARMA,
AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 89-09.
Mr. Deichmann spoke on this item. He stated that this program worked well in the past to keep yards in
order. Councilman Day, Councilman Tuma, and Councilman Brennan spoke on the program.
Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.
No: None; Motion carried. Ordinance No. 89-09 is adopted.

Ordinance No. 90-09 4/6/09 L-90-09
By: S.M. Tuma
(By Request – Auditor)

AN ORDINANCE AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2009
PERMANENT APPROPRIATIONS OF THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Ordinance No. 90-09.
Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.
No: None; Motion carried. Ordinance No. 90-09 is adopted.

Resolution No. 91-09 4/6/09 L-91-09
By: S.M. Tuma
(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST CERTIFICATION OF REQUISITIONS AS
DETAILED IN EXHIBIT "A" AND DECLARING AN EMERGENCY

Motion made by Councilman Day, seconded by Councilwoman Galinas to adopt Resolution No. 91-09.
Yes: Galinas, Napoli, Ramser, Regas, Tuma, Brennan, Celebrezze, Day.
No: None; Motion carried. Resolution No. 91-09 is adopted.

APPOINTMENTS

Mr. Ramser stated that the Appointment Scanning Committee met on April 6, 2009, to discuss the re-
appointment of Joseph Giaimo to the Planning Commission. It was moved and seconded to accept the re-
appointment of Joseph Giaimo to the Planning Commission with a term beginning on April 14, 2009 and

ending on April 13, 2013. He made a motion, seconded by Councilman Day to reappoint Joseph Giaimo to the Planning Commission for the above stated time period. Motion carried.

PUBLIC COMMENT

DJ Kampe PhD – Sarasota Drive – Asked if there were any updates from the County Engineer on sewer work done to date.

MISCELLANEOUS COMMENTS

Mayor – Thanked Council for the reappointment and then stated that there is a three month report from the County in progress and they will be addressing Council in May and also wished everyone a Happy Easter.

Safety Director – No comment.

Service Director – He stated that he asked the County to hold their reporting until May however he is receiving daily reports/faxes/email. Supplied insight on what they are doing.

Law Director – No comment.

Treasurer – No comment.

Auditor – No comment.

Councilwoman Galinas – Thanked everyone for the support on Res. No. 366-07 and stated that she is glad work is being done regarding the County contract.

Councilman Napoli – He stated that he will be at the Safety Fair and he liked the pictures on the Calendar.

Councilman Ramser – No comment.

Councilman Regas – No comment.

Councilman Tuma – No comment.

Councilman Brennan – Enlightened Council on two requests he sent to Law today regarding criminal background checks for those on boards and commissions and those companies doing business with the City.

Councilman Celebrezze – No comment.

Councilman Day – Discussed his work at the Henninger House with Mrs. Hazel last weekend and his walk on the new path going to Brooklyn Heights with “the Dave’s” and wished everyone a Happy Easter.

Council President Germana – Commented on the senseless killings in PA, the loss of jobs, income tax payouts, and the need for transparency in government.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Day, seconded by Councilwoman Galinas to excuse Council Member Roy J. Jech. Motion carried.

ADJOURNMENT

Motion made by Councilman Day, seconded by Councilwoman Galinas to adjourn said Council Meeting at 8:07 PM. Motion carried.

C E R T I F I C A T I O N

I, Tom Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify this to be a true and correct copy of the Minutes of the Regular Council Meeting held on Monday, April 6, 2009.

TOM MASTROIANNI
CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Minutes were completed on 4/8/09 lly